

NOVEMBER 21, 2016

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Ali Vaezi at 7:30 PM.

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Mayor Kocher, Hayes, Spender, Farino, Drazek, Minter, Keggan, Cruts, Vaezi.

Absent: Hight, Barton, Creedon.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited

Regarding the minutes of the August 15, 2016 minutes, Drazek amended the first word in the next to last paragraph on page one to read *Hotz*. In the first paragraph on page three, Drazek changed the word **lot** in the second sentence to read *lost*.

In the second sentence in the fifth paragraph on page two, Cruts changed the word **slug** to read *sludge*. In the last sentence of the third paragraph on page four, Cruts changed the word **curbed** to read *curved*.

MOTION was made by **DRAZEK** to approve the **minutes** of the **August 15, 2016** meeting, as amended.

SECONDED: MINTER.

Those in favor: Mayor Kocher, Hayes, Spender, Farino, Drazek, Minter, Keggan, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **DRAZEK** to approve the **executive session minutes** of the **August 15, 2016**, as written.

SECONDED: HAYES.

Those in favor: Hayes, Spender, Farino, Drazek, Minter, Keggan, Mayor Kocher, Vaezi.

Opposed: None.

Abstained: None.

Case #16-04, Rhodes-Sheninger Revocable Trust

Present for the applicant: Richard Keiling, Esquire; Eugene Sheninger & Teri Rhodes, Trustees

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Spender recused himself from this case hearing.

Sheninger and Rhodes were sworn in by Edleston.

MOTION was made by **VAEZI** to deem the application for **Case #16-04, Rhodes-Sheninger Revocable Trust** complete, and to grant the requested waiver requests.

SECONDED: FARINO.

Those in favor: Farino, Drazek, Minter, Keggan, Cruets, Mayor Kocher, Hayes, Vaezi.

Opposed: None.

Abstained: None.

Keiling explained there was a deficiency with the notice last month, but that was corrected. Keiling stated the subject property was approved as a minor subdivision in June of 2016.

Edleston explained the applicant was seeking to remove a condition from the prior approval granted in the resolution for the Case #16-01, Spender Family Trust subdivision application.

Entered as Exhibit A-1 – Amended Minor Subdivision plans dated 11/21/18
Sheet SP 2.00 revised /17/2016

Sheninger presented testimony explaining the amendment request. Sheninger explained he was requesting to revise the driveway plan by keeping the existing driveway on the easterly side of the house, and also to remove the riparian buffer and conservation easement condition in the resolution. Sheninger stated he was proposing to use the existing gravel drive instead of installing the newly approved driveway. Sheninger stated the new septic system was now installed. Sheninger stated the driveway calculations as submitted were not approved by the Warren County Planning Board, and would have to be resubmitted. Sheninger stated the Warren County Planning Board wanted proof of the required sight distance and paved apron, and that all their requirements were met.

DiSessa explained the subject property fronts a county road, and the county has jurisdiction.

Sheninger explained the plan was to utilize both existing driveways, and to meet the county requirements.

Entered as Exhibit A-2 – Set of 5 photographs taken 9/5/16

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Sheninger read from the Township's Ordinance regarding the riparian buffer requirement. Sheninger stated he would like to eliminate the riparian buffer of the Morris Canal condition from the original subdivision approval for the Spender Family Trust case. Sheninger explained the canal has been naturally reclaimed by vegetative growth, the driveways, and small structures. Sheninger stated the Morris Canal Committee has indicated that portion of the canal is of non-interest.

Rhodes, a licensed New York state title agent, explained she researched the title for that portion of the Morris Canal. Rhodes explained it is clear from the title that the area of the Morris Canal is part of the property, and not cited as an exception in the title.

Sheninger cited language from his Exhibit VII, page 27, regarding "regulated waters", and stated there is no water in that area of the Morris Canal. Sheninger also explained he would like to cut down some walnut trees that are poisonous to horses and sheep. Sheninger explained the fields that could be used for growing corn are limited by the existence of the walnut trees.

DiSessa stated the Spender application was submitted showing the proposed riparian buffer. DiSessa explained the Township's Ordinance is written to protect the Morris Canal feature and the vegetative area. Minter questioned the process for Mansfield Township's riparian buffer enforcement. Vaezi indicated the inclusion of the riparian buffer might be different if this was a waterway, but given the vegetative state removal would make sense.

Cruts asked if Sheninger planned to further develop the property. Sheninger replied he would not be further developing the property, and is happy with it as it is.

Vaezi asked the applicant to supply a written statement from the Morris Canal Committee indicating non-interest in his portion of the Morris Canal.

The hearing was opened to the public for comments and questions.

Lew Donaldson stated, in thirty-three years, he has never seen a drop of water in that section of the Morris Canal. Donaldson stated there were pigs raised in that area originally. Donaldson also testified the farm field wasn't worth farming with the walnut trees in place, and the corn crops were sparse.

There were no further comments or questions from the general public. The public portion of the hearing was closed.

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MOTION was made by **FARINO** to approve **Case #16-04, Rhodes-Sheninger Revocable Trust** application by amending the original minor subdivision approval resolution from Case #16-01, Spender Family Trust by relocating the west side driveway to the easterly location, and granting a variance from Section 363-15 for the provision of a riparian buffer zone and conservation easement requirement.

SECONDED: MAYOR KOCHER.

Those in favor: Drazek, Minter, Keggan, Cruets, Mayor Kocher, Hayes, Farino, Vaezi.

Opposed: None.

Abstained: None.

Spender returned to the board.

Edleston indicated there was no need to adjourn to executive session for a litigation report. Edleston explained the NJ Cars/Thompson case had been argued in court on 9/28/2016, but there was still no decision from the Judge. Edleston indicated the board has enforcement roll in the matter, and no control over the scheduling of the case in Municipal Court.

Hayes asked if there has been an inspection of the Yusen Logistics site. Hayes stated he didn't see any signs of the driveway being paved. DiSessa stated he could inspect the site, and advise the zoning officer to enforce the matter.

Hayes asked if The Meadows was planning to move forward. Edleston stated there hasn't been any activity, and the board can ask for a time frame when they return for their extra lots.

Greg Donaldson, of Donaldson's Farm, asked for guidance regarding the replacement of a barn that was destroyed by fire. Donaldson explained he was attempting to comply with the zoning permit process, but it appeared the information submitted a few years ago, was no longer sufficient. Donaldson explained he wanted to replace the barn as soon as possible. DiSessa indicated he could contact the zoning officer and look at the information submitted in the prior application.

Zotti mentioned an informal variance application submitted by Ms. Caccarelli. Edleston and DiSessa indicated there is no jurisdiction for informal variance questions. Edleston instructed Zotti to contact Ms. Caccarelli informing her of this fact.

Vaezi asked if the term limits of the members could be verified.

Vaezi mentioned the reappointment of the professionals, and indicated he was in favor of reappointing the same professionals for 2017.

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MOTION was made by **HAYES** to continue with the same professionals for the year of 2017.
SECONDED: VAEZI.

Those in favor: Minter, Keggan, Cruts, Kocher, Hayes, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: None.

Minter stated a discussion of the professionals should begin in August.

Vaezi reminded the board members that the meeting dates for January and February are the third Wednesday because of the holidays.

MOTION was made by **SPENDER** to authorize the Township Committee to pay the **invoices** submitted by the professionals.

SECONDED: FARINO.

Those in favor: Keggan, Cruts, Mayor Kocher, Hayes, Spender, Farino, Drazek, Minter, Vaezi.

Opposed: None.

Abstained: None.

Zotti indicated that Planner, Joe Layton, stated that \$8,000 should be budgeted for Master Plan work for 2017.

The Chairman adjourned the meeting at 9:08 PM.

Respectfully submitted,

Patricia D. Zotti, Secretary
(As Written)